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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,305	12/21/2000	Peter Tavernese JR.	NTL-3.2.149/3550 (12767HU)	2060

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10/27/2005

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EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,305

Applicant(s)

TAVERNESE, PETER

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1, 3-4, 7-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent 5,884,032).

Regarding claim 1, Bateman et al. teach a customer service response system (CSRS) (Fig. 1, 24) capable of responding to an incoming call from a calling party (Fig. 1, 8) by playing a message to the calling party (col. 9, lines 33-35 - IVR play greeting message to calling party); a graphical user interface (Fig. 1, workstation 18; col. 5, lines 26-27) electrically coupled to the CSRS and configured to received and display information from the CSRS originates from the calling party (col. 8, lines 62-65; col. 9, lines 10-12).

Bateman et al. do not specifically teach via a soft-key or graphical button the GUI is configured to selective initiate another message being sent from the CSRS to the calling party.

However, since customers and agents can communicate using e-mail (col. 7, lines 16-20), it would have been obvious that an agent from the ACD may easily initiate another message and click the send button to send to the calling party. This feature is notoriously well known in the art of ACDs.

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Regarding claims 3-4 and 17-19, Bateman et al. teach the GUI displays messages from the CSRS to the calling party and at least one of a plurality of messages is customizable (col. 9, lines 33-35). For example, the IVR greets caller by playing "good morning", "please hold for the next available agent", or "if you would like a call back, please leave a call back number and best time to call".

Regarding claims 7 and 22, Bateman et al. do not teach the GUI provides an option for bypassing the CSRS. It would have been obvious to one of ordinary skill in the art to give customer/caller the option to bypass the CSRS to a regular telephone in case the caller does not wish to communicate with the agent via an interactive graphical display device.

Regarding claim 8, Bateman et al. teach the CSRS is an adjunct to a telephone (Fig. 1).

Regarding claims 9 and 23, Bateman et al. teach the CSRS is capable of responding and playing a message to a plurality of incoming calls from calling parties (col. 9, lines 33-48).

Regarding claims 10-13, 20, 21, and 24 Bateman et al. teach the CSRS is configured to received voice, text, and multimedia messages (col. 10, lines 31-37).

Regarding claims 14 and 25, Bateman et al. teach the CSRS is capable of accessing a remote computer system (Fig. 10, customer site 210 is remote from agent site).

Regarding claims 15 and 26, it would have been obvious that after receive calling party's information, an agent realizes that he or she should transfer the calling party to

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another agent with specific skills that could be better serve the customer, then this agent transfer the calling party to the skilled agent. This feature is notoriously well known in the art of ACDs and the advantage of using it is also well known.

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1.

Claim 27 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bateman et al. teach the call system response means for receiving information from a plurality of telephone calls (Fig. 9, plurality of customers).

Regarding claim 29, Bateman et al. teach customers and agents can communicate using e-mail (col. 7, lines 16-20), it would have been obvious that an agent from the ACD may easily initiate messages and click the send button to send to the calling party.

4. Claims 5, 6 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent 5,884,032) in view of Wycherley et al. (U.S. Patent 5,163,081).

Regarding claims 5 and 6 Bateman et al. do not teach the CSRS includes a voice recognition program that is capable of converting voice signals in text messages and text messages into voice signal.

Wycherley et al. teach a Dual Party Relay System employing text-to-speech and speech-to-text synthesis to reduce service cost (col. 3, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of including a voice recognition program that is capable of converting voice signals in text messages and text messages into voice signal, as taught by Wycherley, in Bateman's system in order to have a customer service response system that capable of receiving, converting, and transmitting voice signals in text messages and text messages into voice signal.

Claim 28 is rejected for the same reasons as discussed above with respect to claims 1 and 5.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 3-29 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

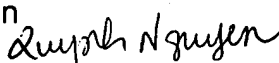
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

qhn



Quynh H. Nguyen

October 26, 2005